

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101

SUBJECT: Quasi Judicial Hearing: Special Permit
SE 3-1-02 Nova Southeastern University/3301 College Avenue/
Generally located south of SW 30 Street between University Drive and
College Avenue.

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM:

SE 3-1-02 Nova Southeastern University Inc., 3301 College Avenue (CF)

REPORT IN BRIEF: The petitioner is requesting to use a classroom modular at 3301 College Avenue for a period of time not to exceed five (5) years until the new middle school building is constructed. The structure is from the property at 7676 SW 35 Street, which is being cleared for the construction of the Family Center Village. The current plat note includes the square footage of this classroom facility.

The intent of a special permit application is for Town Council to review uses that are permitted within a zoning district but may have adverse impacts on the surrounding area. Staff finds that the use of a classroom modular is a compatible use on the subject site. It's use will not have an adverse impact on the Nova Southeastern University Campus, and furthermore the location is such that it is not visible from the public right-of-way. Staff has no objection to the use of the classroom modular until the new middle school building is completed.

PREVIOUS ACTIONS: As the petitioner was not present at the April 10, 2002, meeting of the Planning and Zoning Board, Town Council tabled the request from the May 1, 2002, to the May 15, 2002, meeting.

CONCURRENCES: At the April 24, 2002 Planning and Zoning Board meeting, Ms. Moore made a motion, seconded by Ms. Turin, to approve (Motion carried 3-0, Vice-Chair Bender and Mr. Waitkus were absent).

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to approve

Attachment(s): Planning report, Justification letter, Land use map, Subject site map

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation

APPLICANT INFORMATION

Owner/Agent:

Name: Nova Southeastern University
Address: 3301 College Avenue
City: Davie, FL 33314
Phone: (954)262-8832

BACKGROUND INFORMATION

Date of Notification: April 3, 2002 **Number of Notifications:** 2

Application History: As the petitioner was not present at the April 10, 2002, meeting of the Planning and Zoning Board, Town Council tabled the request from the May 1, 2002, to the May 15, 2002, meeting.

Application Request: Special Permit pursuant to Section 12-34(P)(1)(c) of the Land Development Code which allows trailers to be used as a temporary office or shelter for a period of time up to eighteen (18) months; **TO:** allow a classroom modular to be used for period of time not to exceed five (5) years while construction of a new middle school building takes place.

Address/Location: 3301 College Avenue/Generally located south of SW 30 Street between University Drive and College Avenue.

Future Land Use Plan Designation: Regional Activity Center (RAC)

Zoning: CF, Community Facilities District

Existing Use: Grass

Proposed Use: Classroom modular

Parcel Size: 0.25 acres (10,890 square feet)

Surrounding Land

Surrounding Uses:
North: Parker Building Science Annex
South: Retention pond
East: Library

Use Plan Designation:
Regional Activity Center
Regional Activity Center
Regional Activity Center

West: Parking lot, then Sonken Building Regional Activity Center

Surrounding Zoning:

North: CF, Community Facilities District

South: CF, Community Facilities District

East: CF, Community Facilities District

West: CF, Community Facilities District

ZONING HISTORY

Related Zoning History: None.

Previous Request on same property: The subject site is within the Nova University No. 1 Plat which was originally recorded on May 8, 1990, Plat Book 146, Page 49 of the Broward County records and was restricted to: buildings which existed on March 2, 1990 and a 23,000 square foot physical plant buildings, a 120,000 square foot law school, a 60,000 square foot business school, a 10,000 square foot science lab, a 75,000 square foot administration building, a 110 room dormitory, a 2,000 seat field house, and a 10,000 square foot book store. It is further restricted to an independent educational institution of higher learning accredited by the Southern Association of Colleges and Schools which is a not-for-profit corporation pursuant to 26 U.S.C.A. 501 and Chapter 196, Florida Statutes.

The plat note has been amended several times over the years to reflect actual construction and future proposed construction with note amendments recorded in February of 1992, December of 1992, and December of 1995. The December 1995 amendment was made for the purpose of transferring trips from the Nova University No. 1 Plat to the adjacent Young World Plat. Town Council approved an amendment to the plat note in October 2001. The plat note now states: This plat is restricted to the buildings which were existing on March 2, 1990 and a 21,040 square foot physical plant building, 289,600 square feet of classroom facilities, a 59,000 square foot administrative building, one dormitory consisting of 152 rooms, a ten acre recreational facility consisting of 67,000 square feet of sports training facility with 15,000 square feet of bleachers, a 33,200 square feet student center, a 25,000 square foot school gymnasium, 9,200 square feet of mechanical buildings, and 325,000 square feet of library.

APPLICATION DETAILS

The petitioner is requesting to use a classroom modular at 3301 College Avenue for a period of time not to exceed five (5) years until the new middle school building is constructed. The structure is from the property at 7676 SW 35 Street, which is being cleared for the construction of the Family Center Village. The current plat note includes the square footage of this classroom facility.

Applicable Codes and Ordinances

Section 12-35 of the Land Development Code states that the Town Council may grant a special permit for uses which have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location.

Section 12-34(P)(1)(c) of the Land Development Code states that a trailer may be used as a temporary office or shelter (for a period of up to eighteen (18) months) incidental to construction or development of the premises on which the trailer is located. The applicant must maintain an active building permit for the site while the trailer is in use. If it is determined that the building permit is no longer valid, the trailer shall be removed from the site within thirty (30) days. An application for special permit may be submitted pursuant to the requirements contained herein for extension of the eighteen-month time period.

Comprehensive Plan Considerations

This parcel is inside the Regional Activity Center Future Land Use Plan designation that was adopted by Town Council in 1998.

Planning Area: The subject property falls within Planning Area 8. This Planning Area is the heart of Davie and is the most diverse, characterized by older, small-scale commercial development, older single-family residential neighborhoods, and newer, large-scale multi-family residential developments that serve the rapidly growing South Florida Education Center (SFEC). It is bounded on the north by Nova Drive, south by Orange Drive, east by Florida's Turnpike, and west by University Drive. The planning area encompasses the downtown Davie Business District, where western theme architecture is required, the Davie Town Hall and Rodeo Arena, two large mobile home communities, and industrial land.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 97.

Applicable Goals, Objectives & Policies: Policy 10-1: The Regional Activity Center land use designation shall encourage large-scale development and redevelopment as well as small parcel infill development and redevelopment that facilitates a coordinated and balanced mix of land uses, providing for: educational facilities; a wide selection of housing types for all income ranges; shopping opportunities to meet the basic and expanded needs of students, residents, employees and visitors; research, training and other educational support uses; recreation; and employment opportunities, including the use of mix residential/nonresidential land uses.

Staff Analysis

The intent of a special permit application is for Town Council to review uses that are permitted within a zoning district but may have adverse impacts on the surrounding area. Staff finds that the use of a classroom modular is a compatible use on the subject site. It's use will not have an adverse impact on the Nova Southeastern University Campus, and furthermore the location is such that it is not visible from the public right-of-way. Staff has no objection to the use of the classroom modular until the new middle school building is completed.

Findings of Fact

Review for Special Permits:

Section 12-308(A)(1)(a):

- (i) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (ii) The proposed change will not create an unrelated an incompatible use;
- (iii) The proposed change will not adversely affect living conditions in the neighborhood or the town;
- (iv) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;
- (v) The proposed change is not expected to adversely affect surrounding property values;
- (vi) The proposed change is not expected to be a deterrent to the improvement or development of other property in accord with existing regulations;
- (vii) The proposed change will not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

Staff Recommendation

Recommendation: Based upon the above and the finding of facts in the positive, staff recommends approval of petition SE 3-1-02.

Planning & Zoning Board Recommendation

At the April 24, 2002 Planning and Zoning Board meeting, Ms. Moore made a motion, seconded by Ms. Turin, to approve (Motion carried 3-0, Vice-Chair Bender and Mr. Waitkus were absent).

Exhibits

1. Justification letter
2. Land use map
3. Subject site map

Prepared by: _____

Reviewed by: _____

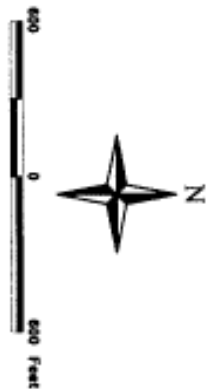
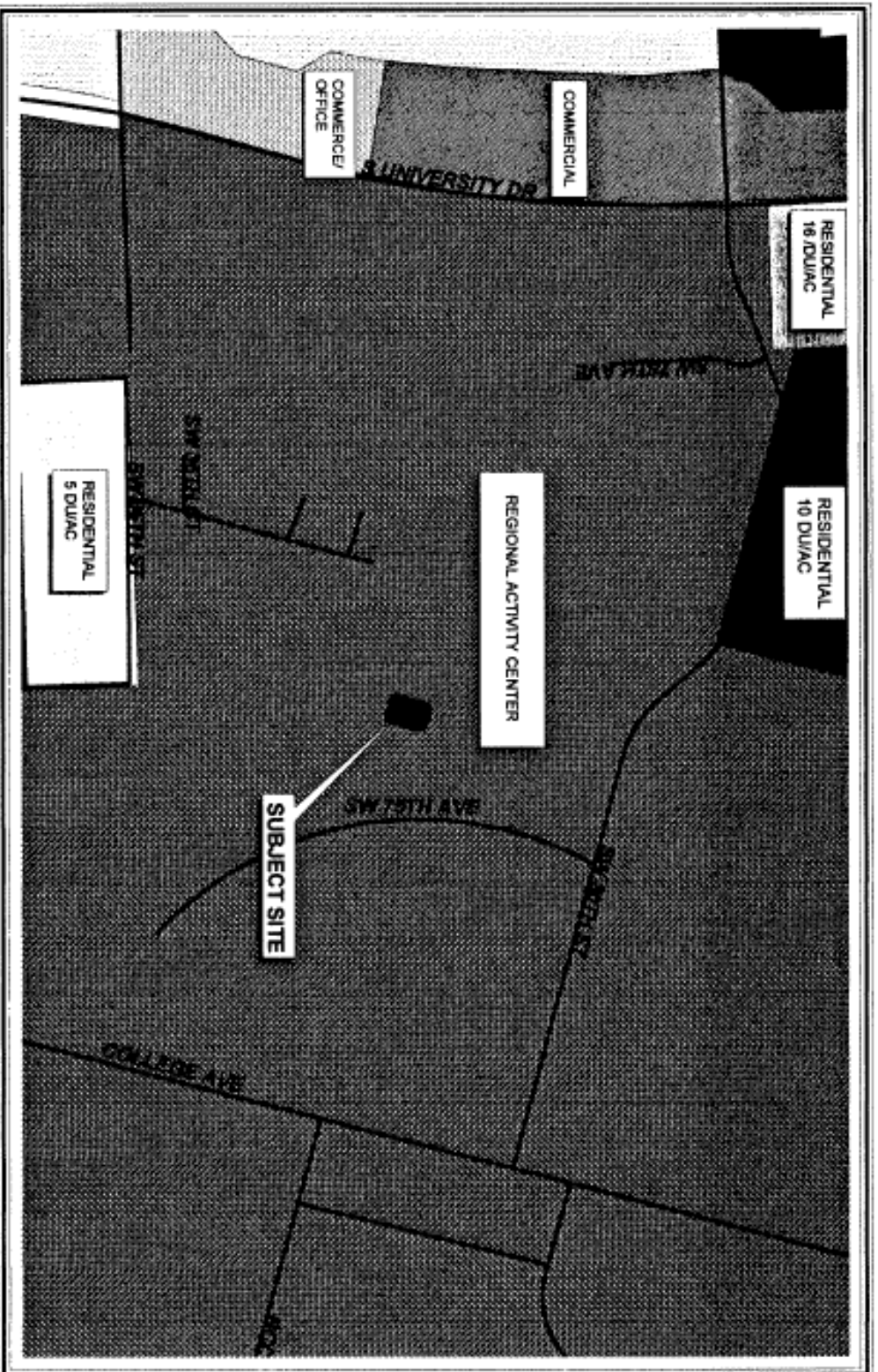
NOVA SOUTHEASTERN UNIVERSITY
Associate Vice President
for Facilities Management



THE CLASSROOM MODULAR IS BEING RELOCATED IN ORDER TO CLEAR THE PROPERTY AT 7676 SW. 35 STREET FOR CONSTRUCTION OF THE FAMILY CENTER VILLAGE. THE CLASSROOM MODULAR WILL BE USED FOR MIDDLE SCHOOL CLASSROOMS ON THE MAIN CAMPUS AT 3301 COLLEGE AVENUE. THE CLASSROOM MODULAR WILL BE USED FOR 3-5 YEARS UNTIL A NEW MIDDLE SCHOOL BUILDING IS CONSTRUCTED.

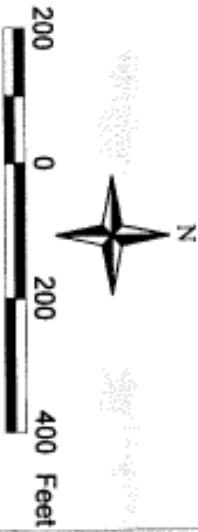
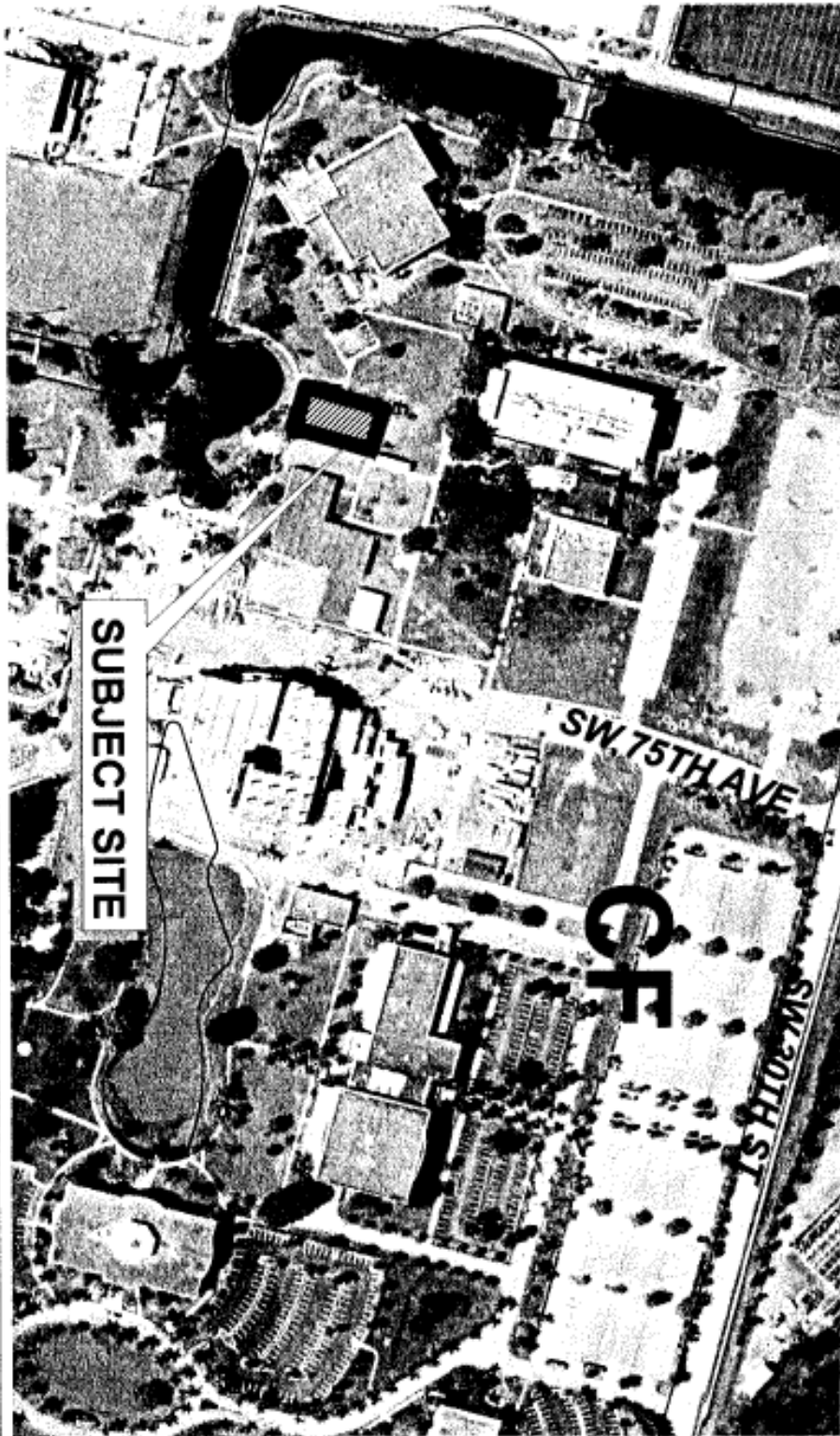
SCS 1 - 126

3301 College Avenue • Fort Lauderdale, Florida 33314-7796 • (954) 262-8832
Fax: (954) 262-4980



PETITION NUMBER: SE 3-1-02

Future Land Use Map
 Scale: 1"=600'
 Planning & Zoning Division - GIS
 Prepared 5/03/02



PETITION NUMBER: SE 3-1-02

Zoning and Aerial Map
Date: Flown: January, 2001
Scale: 1"=200'
Planning & Zoning Division - GIS
Prepared 3/13/02